

Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 NEA-10 ISO-00 FEA-01 ACDA-07
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DLOS-09 DOTE-00 EB-08 EPA-01 ERDA-05
FMC-01 TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00 INRE-00
/127 W

-----291001Z 021440 /22

O R 290935Z MAR 77
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC IMMEDIATE 6206
INFO AMEMBASSY ALGIERS
AMEMBASSY CAIRO
AMEMBASSY LONDON
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY RABAT
AMEMBASSY ROME IMMEDIATE
AMEMBASSY TRIPOLI IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
SECDEF WASHDC
CINCUSNAVEUR
COMSIXTHFLT
EUCOM
USDOCOSOUTH NAPLES ITALY

S E C R E T SECTION 1 OF 2 TUNIS 2107

CINCUSNAVEUR, EUCOM PASS POLADS

USDOCOSOUTH PASS CINCSOUTH FOR POLAD

E.O. 11652: GDS
TAGS: PFOR PLOS PBOR LY IT TS
SUBJECT: PRIME MINISTER VIEWS TUNISIAN-LIBYAN CONFRONTATION
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REF: TUNIS 2049 AND TUNIS 2050

1. SUMMARY: PRIME MINISTER NOUIRA REVIEWED WITH ME AT
LENGTH TODAY TUNISIAN VERSION OF ITS DISPUTE WITH LIBYA
OVER DELIMITATION OF CONTINENTAL SHELF. HE CHARGED
ITALIANS WITH BAD FAITH AND RECOUNTED COMPLETE IMPASSE

ENCOUNTERED BY FOREIGN MINISTER CHATTI IN TALK LAST WEEK WITH COLONEL QADHAFI. HE SOUGHT U.S. OPINION AS TO WISDOM OF REFERRAL OF PRESENT DISPUTE TO SECURITY COUNCIL. END SUMMARY.

2. PRIME MINISTER HEDI NOUIRA TOOK MOST OF ONE HUNDRED MINUTE MEETING AFTERNOON MARCH 28 TO REVIEW HISTORY OF TUNISIAN-LIBYAN CONFRONTATION OVER CONTINENTAL SHELF AND EXPOSITION OF TUNISIAN POLICY THEREON. HE EXPLAINED THAT GOT HAS BEEN TRYING SINCE 1968 TO OBTAIN DELIMINATION OF CONTINENTAL SHELF PRECISELY IN ORDER TO AVOID POTENTIAL ARMED CLASH NOW LIKELY TO ARISE DUE TO QADHAFI'S INTRAN- SIGENCE.

3. GOT'S BASIC POSITION, NOUIRA EXPLAINED, HAS NEVER CHANGED. IT SEEKS PROFORMA DELIMITATION OF CONTINENTAL SHELF ACCORDING TO ACCEPTED PRINCIPLES OF INTERNATIONAL LAW. ONCE DEFINED GOT'S ORIGINAL AND STANDING OFFER TO EXPLOIT OIL RESOURCES ON THE CONTINENTAL SHELF JOINTLY WITH LIBYA STILL STANDS. TUNISIA TODAY TAKES THE POSITION THAT DISPUTE SHOULD BE REFERRED TO ICJ WHICH SHOULD STATE PRINCIPLES UPON WHICH DEMARCATION SHOULD BE BASED. ONCE DELIMITED, DISPUTED AREA SHOULD BE EXPLOITED BY TUNISIA IN COMMON WITH LIBYA. THIS ONLY JUST AND EQUITABLE, PRIME MINISTER INSISTS. LIBYAN POSITION HAS CONSTANTLY SHIFTED TO POINT WHERE LIBYA NOW EVEN REFUSED TO APPLY THE UNIVERSALLY ACCEPTED PRINCIPLES OF GENEVA CONVENTION WITH REGARD TO "MEDIAN LINES" BETWEEN SHORE POINTS. GOT CANNOT WAIT UNTIL LAW OF SEA CONFERENCE OBTAINS GENERAL AGREEMENT ON PRINCIPLES.

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4. PRIME MINISTER REVIEWED HISTORY OF CURRENT CONFRONTATION ARISING FROM DRILLING BY SCARABEO IV AS OUTLINED IN NOTE SUBMITTED MARCH 19 TO ITALIANS (TUNIS 2049 AND 2050) AND EMPHASIZED ITALIANS BAD FAITH IN THIS INCIDENT. AT THIS JUNCTURE I TOLD PRIME MINISTER OF BRIEF TALK I HAD HAD WITH ITALIAN AMBASSADOR GIUFFRIDA MARCH 25 WHO INSISTED THAT ITALIAN FOREIGN MINISTRY HAD BEEN UNAWARE OF INTENTIONS OF SAIPEM (AGIP-ENI SUBSIDIARY) TO DRILL ON DISPUTED SITE. PRIME MINISTER REPLIED "THAT MAY OR MAY NOT BE TRUE". INVOLVEMENT OF ITALIANS IN THIS INCIDENT, HE SAID, WAS ESPECIALLY SAD SINCE TUNISIA HAD "MAINTAINED ONLY FRIENDLIEST OF RELATIONS WITH ITALY SINCE LAST PUNIC WAR".

5. FOREIGN MINISTER CHATTY HAD VISITED TRIPOLI LAST WEEK CARRYING MODERATELY WORDED NOTE FOR QADHAFI, PROTESTING GOT'S DESIRE TO SETTLE CURRENT DISPUTE IN PEACEFUL, NON-VIOLENT MANNER, SUGGESTING THAT MATTER COULD BE REFERRED FOR ARBITRATION TO GROUP OF MUTUALLY AGREED ARAB LEAGUE MEMBERS

IF LIBYA DISLIKED GOING TO ICJ. HE TOLD ME CHATTY HAD HAD TWO HOURS ALONE WITH QADHAFI AND USED EVERY POSSIBLE FRATERNAL AND MODERATE MEANS TO PERSUADE QADHAFI TO NEGOTIATE THE DISPUTE PEACEFULLY. WHEN QADHAFI REMAINED ADAMANT THAT HE WOULD NOT NEGOTIATE AWAY A SINGLE METER OF LIBYAN TERRITORY, CHATTY STATED THAT TUNISIA ONLY WISHED TO HAVE LIBYA AGREE TO EXECUTE THE ACCORD REACHED LAST YEAR TO SUBMIT DISPUTE TO ICJ. QADHAFI REPLIED THAT LIBYA WOULD APPLY THAT ACCORD WHEN TUNISIA GREED TO APPLY THE DJERBA ACCORD OF 1974 (MERGING THE TWO COUNTRIES). CHATTY THEN MADE IT CLEAR THAT LIBYA LEAVES TUNISIA NO ALTERNATIVE BUT TO DEFEND ITS RIGHTS BY ALL MEANS AT ITS DISPOSAL. QADHAFI STATED STRONGLY (WITH NOUIRA THEN READING FROM CHATTY'S CABLE) THAT IF TUNISIA RESORTS TO MILITARY METHODS IT WOULD FIND LIBYA "STRONGER THAN YOU". QADHAFI ALSO SAID THAT SCARABEO IV WOULD SOON RESUME DRILLING AND HE HOPED GOT WOULD NOT BE FOOLISH ENOUGH TO TRY TO PREVENT IT. HE REPEATED THAT "ITHE
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MILITARY BALANCE IS NOT IN FAVOR OF TUNISIA". CHATTY REPLIED WITH REGRET THAT TUNISIA COULD ONLY RELY UPON QADHAFI'S GOODWILL OR RESORT TO MEANS OF SELF-DEFENSE TO PROTECT ITS TERRITORY, SINCE LIBYA REFUSED ALL OFFERS OF ARBITARTION. QADHAFI REITERATED HIS REFUSAL TO ACCEPT ANY ARBITRATION. INTERVIEW WAS TERMINATED ON THIS UNHAPPY NOTE.

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PRS-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00 INRE-00
/127 W

-----291000Z 021557 /22

O R 290935Z MAR 77

FM AMEMBASSY TUNIS

TO SECSTATE WASHDC IMMEDIATE 6207

INFO AMEMBASSY ALGIERS
AMEMBASSY CAIRO
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CINCUSNAVEUR
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S E C R E T SECTION 2 OF 2 TUNIS 2107

CINCUSNAVEUR, EUCOM PASS POLADS

USDOCOSOUTH PASS CINCSOUTH FOR POLAD

6. PRIME MINISTER SAID HE HAD TAKEN PAINS TO ENSURE THAT
TUNISIA'S FRIENDS WERE AWARE OF EACH NEW DEVELOPMENT IN THIS
UNHAPPY STORY. HE HAS APPRECIATED UNDERSTANDING ATTITUDE U.S.
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HAS DISPLAYED AND GENEROUS CONTRIBUTION OF TIME AND EXPERTISE
GIVEN BY OFFICERS OF DEPARTMENT TO TUNISIAN REPRESENTATIVES
WHO HAVE VISITED WASHINGTON RECENTLY. HE THOUGHT IT WAS NOW
IMPORTANT TO NOTE THAT IF SCARABEO IV RESUMES DRILLING
GOT MAY WELL BE OBLIGED TO RESORT TO FORCE TO PREVENT IT.
HE SAID HE HAD BEGUN TO WONDER WHETHER THE UN SECURITY
COUNCIL COULD BE INVOKED WITH A VIEW TO SETTLING
A POSSIBLE CLASH. I TOLD HIM THAT, WHILE I WAS FAR FROM
EXPERT IN SECURITY COUNCIL PROCEDURES, THE UN CHARTER CREATED
THE SECURITY COUNCIL TO HAVE JURISDICTION IN THREATS TO
INTERNATIONAL PEACE AND SECURITY AND IT SEEMED TO ME THAT
THIS WOULD ENCOMPASS POTENTIAL THREATS AS WELL AS ACTUAL
CLASHES. HE ASKED ME IF I WOULD OBTAIN THE DEPARTMENT'S
OPINION REGARDING THE LIKELIHOOD OF SECURITY COUNCIL ACCEPTANCE
OF A TUNISIAN APPEAL TO IT FOR MEDIATION OF THIS DISPUTE.
I PROMISED TO DO SO.

7. NOUIRA STATED THAT QADHAFI'S CURRENT ATTITUDE COMPLETELY
DENIES GOT THE RESOURCES OF AN APPEAL TO THE ICJ AND
OBLIGES IT TO APPEAL TO INTERNATIONAL OPINION POSSIBLY
THROUGH SECURITY COUNCIL. HE STATED THAT IF TUNISIA IS
PROVED WRONG ON SUBJECT ON BOUNDARY IT WILL ACCEPT THIS
FACT. TUNISIA WOULD GIVE UP ITS CLAIMS; HOWEVER, IT
FEELS THAT IT SHOULD HAVE THE RIGHT AS A PEACEFUL STATE

TO HAVE ITS RIGHTS EXAMINED PEACEFULLY.

8. PRIME MINISTER SOLILOQUIZED AT CONSIDERABLE LENGTH OVER PLIGHT PEACEFUL, HARD-WORLING TUNISIA FINDS ITSELF IN TODAY AT HANRTTOTTWOY TROUBLESOME NEIGHBOT, LIBYA. TUNISIA HAS DEVOTED ALL ITS EFFORTS TO RAISING THE STANDARD OF LIVING OF ITS PEOPLE AND PROMOTING THEIR SOCIAL DEVELOPMENT. NO ARAB NATION IS MORE WESTERNIZED NOR MORE PRO-WEST THAN TUNISIA. IF QADHAFI CHOSE TO ROLL ACROSS THE BORDER WITH HIS HUNDREDTLOLSOVIET TANKS AND SCORES OF MIGS, TUNISIA WOULD BE DEFENSELESS, HAVING NOTHING BUT KOREAN-WAR VINTAGE MILITARY EQUIPMENT AND A SMALL ARMY TO DEFEND ITSELF.

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CURRENTLY, THE PRIME MINISTER SAID, HIS GOVERNMENT IS DEEPLY CONCERNED WITH THE INEXPLICABLE LIBYAN PROHIBITION OF MOVEMENTS INTO AND OUT OF LIBYA BY ALL ARABS. "WHY IS HE DOING THIS?" ASKED NOUIRA. I TOLD HIM I HAD ONLY SEEN A REPORT OF THIS MOVE IN PAST FEW HOURS AND WAS UNABLE TO OFFER ANY VALID EXPLANATION. I COULD ONLY EXPRESS THE HOPE THAT REASON WOULD PREVAIL AND THAT TUNISIA'S PERSISTENCE IN SEEKING A PEACEFUL SOLUTION WOULD PROVE SUCCESSFUL.

9. COMMENT: WHIOE NOUIRA FROM TIME TO TIME REFERRED TO A MAP SHOWING TUNISIA'S BOUNDARY CLAIM AND OF AOIL CONCESSIONS WITHIN IT, HE VOLUNTEERED NO REFERENCE TO TUNISIAN INTENTION TO COMMENCE DRILLING AT SITE DUE NORTH OF PRESENT POSITION OF SCARABEO IV. WHEN I ASKED WHETHER TUNISIA PLANNED ANY EARLY DRILLING OPERATIONS IN VICINITY OF SCARABEO IV (NOT CITING MY MARCH 25 TALK WITH DEFENSE MINISTER FARHAT) HE INDICATED THAT THE CHATTY-QADHAFI CONVERSATION HAD CHANGED NATURE OF ENTIRE CONFRONTATION, LEAVING ME WITH IMPRESSION SUCH DRILLING WOULD NOT SOON TAKE PLACE.

10. ACTION REQUESTED: I WOULD APPRECIATE A STATEMENT OF DEPARTMENT'S VIEWS ON WISDOM OF GOT'S REQUEST FOR SECURITY COUNCIL MEETING ON CURRENT DISPUTE SUITABLE FOR PASSING TO PRIME MINISTER AT AN EARLY DATE.
MULCAHY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PERSONAL OPINION, CONTINENTAL SHELF, BOUNDARY DETERMINATION, DISPUTE SETTLEMENT
Control Number: n/a
Copy: SINGLE
Sent Date: 29-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: GS
Errors: N/A
Expiration:
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Reference: 77 TUNIS 2049, 77 TUNIS 2050
Retention: 0
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Subject: PRIME MINISTER VIEWS TUNISIAN-LIBYAN CONFRONTATION SECRET SECRET
TAGS: PFOR, PLOS, PBOR, LY, IT, TS, (NOUIRA, HEDI)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d3c512bd-c288-dd11-92da-001cc4696bcc
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Margaret P. Grafeld
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22 May 2009
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